

REMARKS/ARGUMENTS

The office action of September 15, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Objections to Drawings/Specification/Claims

The drawings are objected to for not showing every feature specified in the claims. Fig 8 has been added showing supply means (80) for supplying water. Support for this figure is found in the specification on page 3, lines 23-25 (paragraph [0026]). Fig 9 has been added showing the control means for repeatedly changing the connections. Support for this figure is found in the specification on page 4, lines 11-21 (paragraphs [0034] and [0036]).

The abstract has been replaced with a new abstract.

The term means is used to describe, for example, water supply means and control means. Such means are well known in the heat exchanger art and any suitable means may be used. The invention is particularly directed to the particular use of valves to regulate flow of air into and out of a building for example. The novel use of the valves is discussed below in response to the rejection over Thunberg.

Claims 1 and 3-14 have been amended in response to the objections to the claims. In addition, claim 6 has been canceled and claims 7 and 8 are now dependent on claim 1.

Withdrawal of the objections over the drawings, specification, and claims is requested.

Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1 and 3-14 stand rejected as failing to comply with the written description requirement. Supply means for water is disclosed in the specification on page 3, lines 23-25 (paragraph [0026]). Control means is disclosed in the specification on page 4, lines 11-21 (paragraphs [0034] and [0036]). Supply means to supply water and control means to control valves are both within the skill of the art and one skilled in the art would understand these terms.

As noted above, the term means is used to describe, for example, water supply means and control means. Such means are well known in the heat exchanger art and any suitable means

may be used. The invention is particularly directed to the particular use of valves to regulate flow of air into and out of a building for example. Withdrawal of this rejection is requested.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 3-14 stand rejected as being indefinite. The claims have been amended for clarification.

Claim 1 has been amended to clarify the term "connections".

The term "control means" is addressed above and its use in the instant claims is appropriate.

In regard to claims 4 and 14, water may be added to provide sufficient moisture. Attention is drawn to page 3, lines 21-26, (paragraph [0026]) of the original specification which describes the reason water may be added. One skilled in the art would understand how to add water to a heat exchanger (e.g. a humidifier). Fig. 8 has been added to show the introduction of water.

Claim 6 has been canceled and claims 7 and 8 now depend on claim 1. Claim 8 has been amended to delete the term "predetermined". A measurement value is described in the paragraph bridging pages 4 and 5 as, for example, a temperature or humidity value. That is, a value that is measured. Claims 9 and 12 have been amended for clarification.

Claim 13 has been amended to clarify the heat exchanger.

Withdrawal of this rejection is requested.

Rejections under 35 U.S.C. § § 102 and 103

Claims 1, 3, and 5-13 stand rejected as anticipated by Thunberg (US 4,391,321).

Attached is a drawing depicting the differences between the instant claims and Thunberg. The constructional differences reside in the presence of valve systems at both sides of the recuperator or heat exchanger in the claimed invention and only at one side the system described by Thunberg. The consequence thereof is that in the Thunberg system the direction of flow at one side varies in dependence from the position of the (single) valve, whereas in the system as described in the claimed invention, the direction of flow is always the same. Importantly, the

direction of flow also determines in which order elements on the side are flowed through, so that the system disclosed in Thunberg has a substantial disadvantage which is avoided in the claimed invention.

Claim 1 contains the feature 'that the alternating means are adapted to temporarily and repeatedly alternating the discharge means on the connections'. The discharge means are herein the valves in the upper part of drawing D, which are only present in the apparatus according to the invention but not in the disclosure of Thunberg.

CONCLUSION

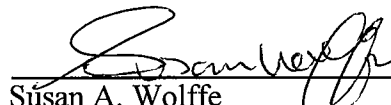
It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: December 12, 2008

By:


Susan A. Wolfe
Registration No. 33,568

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001

SAW:vlh